

Chapter 14.32

SIDEWALK USE AND MAINTENANCE

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14.32.005 Installation of street improvements required.

A. An owner of property located on streets designated as a collector street or an arterial street on the city's road map, who constructs upon or otherwise improves that property to the extent of twenty-five thousand dollars (\$25,000) or more in value as computed by the city's building official when issuing the applicable building permits, shall also improve the adjacent public right of way. The improvements required by this section include the installation of curb, gutter, sidewalk and

street paving along the entire frontage of the property being improved, and also include the replacement of existing pavement, curb, gutter or sidewalk if any of these improvements have deteriorated to a degree that replacement or repair is required, as determined by the city engineer.

B. The issuance of a building permit, and the subsequent final inspection approval and permanent certificate of occupancy, shall be conditioned upon the owner's compliance with this section.

C. The city's manager may approve a written deferral of installation of improvements required by this section upon the recommendation of the director of the department, and under such terms and conditions as will assure future installation of required improvements.

14.32.010 Sidewalk, drive approach, curbs and gutter repair or replacement.

A. The owner of a parcel of property abutting a public right of way is responsible for replacement or repair of curb, gutter or sidewalk abutting the owner's property which has deteriorated to a degree which the city engineer determines requires repair or replacement. Nothing in this section shall be construed to limit the liability of any person causing damage to curb, gutter or sidewalk located in a public right of way. A person who damages any curb, gutter or sidewalk, negligently or otherwise, is liable for the full cost of replacement.

B. If the department, with concurrence of the manager, finds that existing curb and gutter, drive approach or sidewalk fronting on parcels which have a single-family dwelling or a duplex use require replacement for safety reasons, and that inclusion of the repair in a special improvement district is not practical, the department may cause the repair work to be done, subject to the following conditions:

1. The manager finds that the city has sufficient personnel and related support re-

sources to accomplish the repair work; and

2. Sufficient budgeted funds are available to pay for the repair work.

C. Proposed repair requests under this section will generally be given priority according to the prioritized list maintained by the city engineer. The city engineer, with concurrence of the manager, may assign a different order of priority to requests to maximize efficient utilization of resources or to coordinate repair work with other public works projects.

D. If the owner of a parcel of property wants to remove and replace the curb and gutter, drive approach, or sidewalk on public property because of deteriorated conditions as defined by standard adopted by the city engineer, with prior written approval and agreement of the city, the city will reimburse the property owner fifty percent (50%) of the cost of replacement, not to exceed one thousand dollars (\$1,000.00) per lot/parcel. This reimbursement is subject to sufficient budgeted funds being available.

14.32.020 Inspections.

The city, through the department, may inspect the condition of the public curbs, gutters and sidewalks to determine any defects or needed repairs.

14.32.030 Notice to repair.

A. Notice of needed repairs or defects in the public curbs, curb ramps, gutters and sidewalks shall be sent to the owner of the abutting property as shown on the records of the county recorder. Such notice shall specify the repairs needed or the defect and shall state a deadline for completing the repairs. A review of such deadline shall not be earlier than 30 nor later than 60 days after the date of the notice. The notice shall specifically instruct the property owner of his obligation under this chapter and of his opportunity for review.

B. If the abutting property is a residence, the owner may petition in writing, upon forms approved by the city, to pay fifty percent of

the cost thereof in advance. If the petition is granted by the city, the city shall, subject to availability of funds, pay the remaining fifty percent of the cost of replacement. In such case, the city shall make the replacement or employ a contractor to make the same.

C. The city may propose the creation of a special improvement district to make the required repairs and to levy assessment on property in accordance with the Utah Municipal Improvement District Act, *Utah Code Ann.* § 17A-3-301, *et seq.* The creation of improvement districts requires notice to property owners, hearing, and opportunity for owners to protest. Districts may be defeated if a sufficient number of protests are filed, as defined by statute.

D. This section does not preclude the city from replacing defective sidewalks adjacent to private property, at its own expense, as it may otherwise deem appropriate.

14.32.040 Permits for repairs required when.

No permits shall be necessary for such repairs unless it is necessary to alter the grade, location or dimensions of the curbs, curb ramps, gutters or sidewalks. In such event, there shall be no charge for the permit.

14.32.050 Repair by city.

In the event that the property owner fails to complete the repairs or to seek review within the time specified in the notice, the city may at its option make the repairs with the implied consent of the owner. The city attorney may instigate civil suit on behalf of the city to recover the city's costs of repair plus interest, attorneys' fees and court costs.

14.32.060 Right of review—Request—Hearing.

A. The owner shall have the right to seek review of the notice of repairs through the department and to appeal any decision rendered by the department to the city council or its designee as provided in subsections B and C

of this section.

B. The owner may seek review of the notice of repairs by filing a request with the department. The request must be filed within ten business days after the date of the notice of repairs. Upon receipt of the petition requesting a hearing, the department director shall schedule a hearing within ten business days, before himself or his designee, and cause notice thereof to be sent to the petitioner.

C. After the hearing, the department director or his designee shall cause written notice of his decision to be sent to petitioner, which notice shall also inform petitioner of his right to appeal to the city council or its designee. Petitioner may appeal to the city council or its designee by filing a written request with the city recorder within ten business days after the date of the director's decision. The petitioner shall be entitled to a hearing within 60 days after the date the appeal is filed.

14.32.070 Stay of notice to repair.

The timely filing of a request for hearing with the director of the department, or upon appeal therefrom, a request for hearing before the city council or its designee, shall stay the terms of the notice of repair during review proceedings, and all deadlines shall be redetermined by the hearing authority.

14.32.080 Obstruction of sidewalks or curb ramps prohibited.

It is unlawful for any person owning, occupying or having control of any premises, to place or permit upon the sidewalk, curb ramp or the half of the street next to such premises:

A. Any broken ware, glass, filth, rubbish, refuse matter, ice, water, mud, garbage, ashes, tin cans or other substances;

B. Any vehicle, lumber, wood, boxes, fencing, building material, dead trees, tree stumps, merchandise, or other thing that obstructs the public street, curb ramp or sidewalk or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the

permission of the city.

14.32.090 Reserved.

14.32.100 Snow removal—Required.

It is unlawful for the owner, occupant, lessor or agent of property abutting on a paved sidewalk to fail to remove or cause to be removed from such paved sidewalk and any existing curb ramp all hail, snow or sleet falling thereon, within one hour after the hail, snow or sleet has ceased falling, provided that in case of a storm ending between the hours of 5:00 p.m. in the afternoon and 6:00 a.m. in the morning, the sidewalk and any existing curb ramp shall be cleaned before 8:00 a.m. the morning following the storm.

14.32.110 Snow removal—Clogging gutter prohibited.

It is unlawful for any person removing snow from a sidewalk or curb ramp to deposit snow, dirt or other material in a gutter so as to clog the same, or prevent the free flow of water therein.

14.32.120 Obstructing sidewalk or curb ramp while receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept, upon any sidewalk or curb ramp, any goods, wares or merchandise that he may be receiving or delivering without leaving a ten-foot passageway clear upon such sidewalk or curb ramp; and it is unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk or curb ramp for a period longer than one hour.

14.32.130 Cellar doors.

It is unlawful for the owner or occupant of any building having a cellar which opens upon any street, curb ramp or sidewalk to fail to keep the door or other covering thereof in good repair and safe for the passage of the customary traffic on the street, curb ramp or

sidewalk.

14.32.140 Driving or riding on sidewalks prohibited.

It is unlawful for any person to drive a self-propelled vehicle or team, or lead, drive or ride any animal upon any sidewalk except at established crossings.

14.32.150 Games on sidewalks, curb ramps or streets.

It is unlawful for any person to obstruct any sidewalk, curb ramp or street by playing games thereon, such as ball games, marbles, flying of kites, or to annoy or obstruct the free travel of any pedestrian, team or vehicle.

14.32.160 Loitering prohibited.

It is unlawful for any person to remain standing, lying or sitting on any sidewalk or curb ramp for a longer period than two minutes in such manner as to obstruct the free passage of pedestrians thereon, or to willfully remain standing, lying or sitting thereon in the manner for more than one minute after being requested to move by any peace officer, or to willfully remain on any sidewalk or curb ramp in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the sidewalk, curb ramp or any property having access to such sidewalk or curb ramp.